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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,406	04/06/2001	Scott Jeffrey Sherr	041892-0205	5175

7590 04/14/2005

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EXAMINER	
SALTARELLI, DOMINIC D	
ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/828,406	SHERR ET AL.	
	Examiner	Art Unit	
	Dominic D Saltarelli	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 April 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-79* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-79* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 7/24/01. 8/9/01. 11/26/01. 11/29/01. 12/11/01. 9/16/02. 10/8/02.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 54, 57-60, 62, and 64-72 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaplan (5,963,916).

Regarding claim 54, Kaplan teaches a user interface for use with a content delivery apparatus comprising:

A plurality of images associated with content items (fig. 17), the plurality of images associated with the content items being user selectable (col. 8, lines 33-51 and col. 13, lines 32-46); and

An area of the user interface for display of streaming video (point of preview web site, col. 18, lines 33-44);

Wherein the streaming video display area displays streaming video of content corresponding to a content item associated with one of the plurality of user selectable images (col. 18, lines 10-44, specifically, lines 36-38).

Regarding claim 57, Kaplan teaches the interface of claim 54, wherein the content item to be display in the streaming video display area of the user interface is chosen by a user by selecting one of the plurality of representations (col. 18, lines 36-38).

Regarding claims 58 and 59, Kaplan teaches the interface of claim 54, wherein the content item displayed in the streaming video display area is a trailer (representative segment) for one of the content items associated with the one of the plurality of images (col. 18, lines 33-44).

Regarding claim 60, Kaplan teaches a user interface for use with a content delivery apparatus comprising:

A plurality of images associated with content items (fig. 17), the plurality of images associated with the content items being user selectable (col. 8, lines 33-51 and col. 13, lines 32-46);

Wherein the plurality of images associated with content times comprise virtual representations of a standard box or package in which the content items are typically contained in a conventional store (such as magazines and music albums, col. 17, lines 36-46).

Regarding claim 62, Kaplan teaches the interface of claim 60, wherein virtual representations of a standard box or package comprise virtual

representations of a standard music compact disc box (album covers, col. 17, lines 40-46).

Regarding claim 64, Kaplan discloses a method for recommending content items to users of a content delivery apparatus, comprising:

Storing user preference data representing possible preference of a given user (col. 15, lines 64-67);

Determining particular content items that may be of interest to a particular user based on the stored user preference data (col. 16, lines 1-25); and

Displaying to the user, on a user interface, user selectable images associated with the content items determined to be of interest to the user (the 'Recommendations' hot zone).

Regarding claims 65-68, Kaplan discloses the interface of claim 64, wherein determining the particular content items programming a processor to determine particular content items of interest based on stored user preference data which includes previous purchases, previous selections, and user responses to questionnaires (col. 15 line 64 – col. 16 line 25, specifically, col. 16, lines 11-18).

Regarding claims 69, Kaplan discloses a method for generating a record of content items designated by a user of a user interface as being of interest ('Preview History", col. 16, lines 1-25), comprising:

Maintaining a record of the content items that the user has previously accessed and displaying to the user (col. 16, lines 9-11), on a user interface, user selectable images associated with the content items that the user has previously accessed (access of content is image based, using in the embodiment presented, album covers to represent selectable content items, col. 14, lines 57-61).

Regarding claim 70, Kaplan discloses the method of claim 69, wherein tracking user activity comprises programming a processor to track user activity (this feature is inherent, as the automatic tracking of user selections in a computer environment, as disclosed, requires the use of a programmed processor).

Regarding claim 71, Kaplan discloses the method of claim 69, wherein maintaining the record of the content items that the user has previously accessed comprises maintaining the record in a database that is accessible by a server network device (the web server is the server network device which accesses a database of user selections when creating individual user profiles, col. 16, lines 13-18).

Regarding claim 72, Kaplan discloses the method of claim 69, wherein displaying to the user, on a user interface, user selectable images associated with the content items that the user has previously accessed comprises displaying user selectable representations of the content items in a user selectable text list (shown in fig. 33, the interface by which users are presented content items includes selectable album cover images along with descriptive text, listing the albums being presented for selection, col. 14, lines 57-61).

3. Claims 73 and 76 are rejected under 35 U.S.C. 102(e) as being anticipated by Glassman et al. (6,453,305) [Glassman].

Regarding claim 73, Glassman discloses a method for authorization of a license for content (col. 3, lines 43-45), the license (fig. 3, scrip 330, col. 5, lines 30-33) being transferred from a first user network enabled device (fig. 3, vendor 121) to a second user network enabled device (fig. 3, consumer 131), comprising:

Transferring the content from the first user network enabled device to the second user network enabled device (fig. 3, products 150, col. 3, lines 63-66);

Connecting the second user network enabled device to a server network device (fig. 3, broker 111), the server network device providing a user interface (as the computers are all interconnected by the Internet, there is a user interface

by which customers purchase the 'scrip' from the broker or vendor, col. 3, lines 52-62);

Obtaining a license for the content (col. 4 line 45 – col. 5 line 8);

Wherein the license allows the second user network enabled device access to the content in a user perceptible form under conditions defined in the license (col. 5, lines 9-33).

Regarding claim 76, Glassman discloses the method of claim 73, wherein transferring the content from the first user network enabled device to the second user network enabled device comprises downloading the content from the first user network device to the second user network device over a network (such as accessing a website for content, col. 5, lines 48-56).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-5, 7, 8, 11, 12, 15, 24, 25, 28-36, 38, 39, 42, 43, 46, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenney (6,026,376) in view of Garfinkle (5,400,402, provided on the IDS submitted September 16, 2002).

Regarding claims 1 and 32, Kenney discloses a user interface (col. 3, lines 49-52) for use with a content item delivery apparatus (fig. 2) comprising a plurality of representations of content items (fig. 4), the plurality of representations of content items being user selectable (col. 7, lines 8-14); and a plurality of user selectable operators for performing functions on the content items (such as ordering and requesting additional information, col. 9, lines 1-6); wherein the user interface enables the user to order content items (col. 9, lines 1-6).

Kenney fails to disclose the user interface enables the user to obtain a license associated with the content item, the license corresponding to an access level, the access level defining a different set of conditions, wherein the license associated with the selected content item includes access level information corresponding to an access level selected by the user.

In an analogous art, Garfinkle teaches a remote video rental system (col. 2 line 54 – col. 3 line 11) wherein content items (programs) are ordered by users who select a license associated with said content item, the license corresponding to an access level, the access level defining a different set of conditions, wherein the license associated with the selected content item includes access level information corresponding to an access level selected by the user (users select usage terms which define the conditions under which the program may be used, col. 3, lines 27-50, said usage terms representing the license the user has

purchased regarding their selected program), providing a convenient, flexible, remote system for rental of desired programming (col. 2, lines 15-19).

It would have been obvious at the time to a person of ordinary skill in the art to modify the interface and method disclosed by Kenney to enable the user to obtain a license associated with the content item, the license corresponding to an access level, the access level defining a different set of conditions, wherein the license associated with the selected content item includes access level information corresponding to an access level selected by the user, as taught by Garfinkle, for the benefit of providing a convenient, flexible, online video rental system.

Regarding claims 2, 3, 33, and 34, Kenney and Garfinkle disclose the interface and method of claims 1 and 32, and Kenney additionally discloses a server network device (fig. 2, data storage computer 18) located at a first node, the server network device being programmed to provide the user interface (web page, col. 8, lines 51-62), a user network enabled device (fig. 2, local computer 20) located at a second node and communicatively coupled to the server network device via a network (fig. 2, Internet 22), the user network enabled device being programmed to access the user interface (col. 8, lines 51-62).

Regarding claims 4 and 35, Kenney and Garfinkle disclose the interface and method of claims 1 and 32, and Kenney additionally discloses the plurality of

representations of the content items comprise a plurality of virtual representations of the content items (col. 5, lines 29-37 and col. 6 line 56 – col. 7 line 24).

Regarding claims 5 and 36, Kenney and Garfinkle disclose the interface and method of claims 4 and 35, wherein the plurality of representations of the content items comprise a plurality of selectable (Kenney, col. 10, lines 45-51) virtual video boxes (Kenney teaches the items virtual representations of what would be found in a retail outlet, col. 3, lines 45-61, wherein the content items are video programs, as taught by Garfinkle, col. 2, lines 54-56).

Regarding claims 7 and 38, Kenney and Garfinkle disclose the interface and method of claims 5 and 36, wherein the plurality of selectable virtual video box representations of the digital video signal comprise a virtual shelf of selectable virtual video boxes, the virtual shelf being capable of simulated movement so that search a video rental store shelf is simulated (Kenney, figs. 4-7 and col. 6 line 56 – col. 7 line 24).

Regarding claims 8 and 39, Kenney and Garfinkle disclose the interface and method of claims 5 and 36, wherein the selectable content items are virtual replicas of the real world counterparts and are examined up close by users (Kenney, col. 10, lines 1-9), but fail to disclose the virtual video box

representations may be manipulated in 3D so that all sides of the virtual video box representations of the digital video signals may be viewed by the user.

Examiner takes official notice that it is notoriously well known in the art to display three dimensional objects which are manipulated in 3D space, which provides users with the freedom to interact with a virtual object in the same manner as users interact with physical objects.

It would have been obvious at the time to a person of ordinary skill in the art to modify the interface and method disclosed by Kenney and Garfinkle to include the virtual video box representations may be manipulated in 3D so that all sides of the virtual video box representations of the digital video signals may be viewed by the user, providing the benefit of allowing users to manipulated the virtual video box representations in a familiar manner analogous to handling a real, physical video box.

Regarding claims 11 and 42, Kenney and Garfinkle disclose the interface and method of claims 1 and 32, and Kenney additionally discloses a plurality of website pages (col. 8, lines 51-67) for performing searching of the content items ("product locator" col. 8, lines 63-67), browsing of the content items (fig. 4, col. 9, lines 49-63), and facilitating licensing of the content items (selecting products for purchase, col. 9, lines 1-6).

Regarding claims 12 and 43, Kenney and Garfinkle disclose the interface and method of claims 1 and 32, wherein the plurality of user selectable operators comprise choosing search, browse, and display options (Kenney teaches users have the option to search for products, browse the virtual store, and retrieve additional information regarding products, col. 8 line 63 – col. 9 line 6), but fail to disclose the plurality of selectable operators comprise selectable virtual buttons.

Examiner takes official notice that it is notoriously well known in the art to provide virtual buttons on a website for selecting available options, as buttons are intuitively obvious to uses as a selection means.

It would have been obvious at the time to a person of ordinary skill in the art to modify the interface and method of Kenney and Garfinkle to include virtual buttons to allow users to activate the selectable operators, as buttons provide a selection means that is intuitively obvious in use to users.

Regarding claims 15 and 46, Kenney and Garfinkle disclose the interface and method of claims 12 and 43, wherein the display options comprise a video shelf (Kenney, fig. 4).

Regarding claims 24 and 51, Kenney and Garfinkle disclose the interface and method of claims 5 and 36, and Kenney additionally discloses an order page for requesting a selected movie based on a defined level of access (the 'shopping lists' users compile while browsing, col. 10 line 45 – col. 11 line 2).

Regarding claim 25, Kenney and Garfinkle disclose the interface of claim 24, wherein the defined level of access comprises a license which is purchased by a user to that the user may play the selected movie a defined number of times during a defined time window (Garfinkle, col. 3, lines 43-50).

Regarding claim 28, Kenney and Garfinkle disclose the interface of claim 1, wherein selecting the plurality of representations of the content items comprise textual representations of the content items (Kenney, col. 10, lines 1-9).

Regarding claims 29 and 30 Kenney and Garfinkle disclose the interface of claim 5, and Kenney additionally discloses selecting a content item displays additional information (col. 10, liens 10-12) and takes the user to an order page for purchasing the selected content item (the 'lists' used to purchase products, col. 10, lines 45-67), but Kenney and Garfinkle fail to disclose clicking a left mouse button displays the additional information and clicking a right mouse button takes the user to the order page.

However, designation of specific mouse buttons regarding item selection is completely arbitrary, and Kenney does further teach that the means by which a user clicks on an item for order is distinct from that by which product information is requested (col. 10, lines 45-51).

Therefore, it would have been obvious at the time to a person of ordinary skill in the art to modify the interface disclosed by Kenney and Garfinkle to include clicking a left mouse button displays the additional information and clicking a right mouse button takes the user to the order page, providing a distinctive means for a user to both request additional information and order a content item.

Regarding claim 31, Kenney and Garfinkle disclose the interface of claim 1, and Kenney additionally discloses the selectable operators comprise a selectable menu for printing (the lists include a 'print' feature, col. 11, lines 3-7).

6. Claims 6, 13, 14, 37, 44, 45, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenney and Garfinkle as applied to claims 5, 12, 36, and 43 above, and further in view of Hoarty (5,485,197).

Regarding claims 6, 37, and 63, Kenney and Garfinkle disclose the interface and method of claims 5 and 36, but fail to disclose the plurality of selectable virtual video box representations of the digital video signals comprise a virtual carousel of selectable virtual video boxes, the virtual carousel being capable of simulated movement so that the spinning of a video rental store carousel is simulated.

In an analogous art, Hoarty teaches a video distribution system wherein selectable content items are displayed upon a rotating carousel (figs. 35 and 37,

col. 18, line 63 – col. 19 line 19), providing an interactive object which is interesting for users to manipulate.

It would have been obvious at the time to a person of ordinary skill in the art to modify the interface and method disclosed by Kenney and Garfinkle to include a virtual carousel of selectable content item capable of simulated movement to simulate spinning of the virtual carousel, as taught by Hoarty, for the benefit of providing an interactive selection display that is interesting to users to manipulate.

Regarding claims 13, 14, 44, and 45, Kenney and Garfinkle disclose the interface and method of claims 12 and 43, but fail to disclose the search and browse options comprise movie genre or actor.

In an analogous art, Hoarty teaches a user interface which provides the option to search or browse through available to movie titles by genre (content) or actor (col. 19, lines 28-45), for the benefit of allowing users to search or browse through titles that have been filtered according to a user defined criteria.

It would have been obvious at the time to a person of ordinary skill in the art to modify the interface and method disclosed by Kenney and Garfinkle to include searching and browsing by movie genre or actor, as taught by Hoarty, for the benefit of allowing users to search or browse through titles that have been filtered according to a user defined criteria, which allows users to more easily locate titles of interest.

7. Claims 9, 10, 40, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenney and Garfinkle as applied to claims 1 and 32 above, and further in view of Kamen et al. (6,421,067) [Kamen].

Regarding claims 9, 10, 40, and 41, Kenney and Garfinkle disclose the interface and method of claims 1 and 32, but fail to disclose a display area on the user interface for staging of the content item in a user perceptible form comprising a streaming box for playing a movie clip or trailer of a movie.

In an analogous art, Kamen teaches a user interface which includes a decimated region for providing a streaming box for playing previews of available video content (col. 13 line 54 – col. 14 line 3), allowing users to preview available content.

It would have been obvious at the time to a person of ordinary skill in the art to modify the interface and method disclosed by Kenney and Garfinkle to include a decimated region for providing a streaming box for playing previews of available video content, as taught by Kamen, for the benefit of allowing users to preview available content to determine what may interest them.

8. Claims 16-22, 26, 47-49, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenney and Garfinkle as applied to claims 5, 11, 36, and 42 above, and further in view of Fritsch (6,233,682, provided on the IDS submitted August 9, 2001).

Regarding claims 16 and 47, Kenney and Garfinkle disclose the interface and method of claims 11 and 42, but fail to disclose a recommendation page for displaying to the user representations of content items determined to be of interest to the user by a recommendation engine based on user criteria.

In an analogous art, Fritsch teaches a website based user interface for retailing content items (fig. 1A, col. 2 line 58 – col. 3 line 3) which includes a recommendation page for displaying to the user representations of content items determined to be of interest to the user by a recommendation engine based on user criteria (col. 4, lines 47-55), assisting the user in locating content of interest.

It would have been obvious at the time to a person of ordinary skill in the art to modify the interface disclosed by Kenney and Garfinkle to include a recommendation page for displaying to the user representations of content items determined to be of interest to the user by a recommendation engine based on user criteria, as taught by Fritsch, for the benefit of assisting the user in locating video content items of interest.

Regarding claims 17-19 and 48, Kenney, Garfinkle, and Fritsch disclose the interface and method of claims 16 and 47, wherein the content items determined to be of interest to the user by the recommendation engine (which is a software routine) is staged in a display area of the user interface and is based on the user's shopping habits (Fritsch, col. 4, lines 51-55).

Regarding claims 20-22 and 49, Kenney and Garfinkle disclose the interface and method of claims 11 and 42, but fail to disclose a MyList page for displaying to the user representations of the content items marked as being of interest to the user by a remember engine which marks the content items based on previous user activities on the user interface, such as selecting content items to obtain more information about selected content items.

In an analogous art, Fritsch teaches providing a suggestions page which displays suggestions of content items to a user compiled based on the transaction history and indicated preferences of the user (col. 4, lines 47-55), assisting the user in locating content items which would likely be purchased by the user.

It would have been obvious at the time to a person of ordinary skill in the art to modify the interface and method disclosed by Kenney and Garfinkle to include a suggestions page which displays suggestions of content items to a user compiled based on the indicated preferences of the user, as taught by Fritsch, wherein such indicated preferences would include content items which the user requested more information about, for the benefit of assisting the user in locating content items which would likely be purchased by the user, aiding the service provider in generating revenue.

Regarding claims 26 and 52, Kenney and Garfinkle disclose the interface and method of claims 5 and 36, but fail to disclose an open order page for

displaying a list of movies that have been ordered by the user but which the user has not yet viewed.

In an analogous art, Fritsch teaches a website for online shopping for content items which includes a list of items to ordered but which have not been downloaded as a finalized sale (the 'shopping basket' page, col. 4 line 60 – col. 5 line 9), allowing users to review selections prior to committing themselves to an order.

It would have been obvious at the time to a person of ordinary skill in the art to modify the interface and method disclosed by Kenney and Garfinkle to include an open order page for displaying a list of content items that have been ordered by the user but which the user has not yet downloaded (viewed), as taught by Fritsch, for the benefit of allowing users to review selections prior to committing themselves to an order, ensuring the ordered items are all desired by the user.

9. Claims 23 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenney and Garfinkle as applied to claims 5 and 36 above, and further in view of Clanton, III et al. (5,524,195) [Clanton].

Regarding claims 23 and 50, Kenney and Garfinkle disclose the interface and method of claims 5 and 36, but fail to disclose a movie page for displaying a trailer of the selected movie.

In an analogous art, Clanton teaches a user interface for selecting video programs (fig. 5) which includes a movie page (fig. 10) for displaying a trailer of a selected movie (fig. 10, 'preview' 134, col. 10, lines 26-58), providing users with an information page which assists in selecting desired programs.

It would have been obvious at the time to a person of ordinary skill in the art to modify the user interface of Kenney and Garfinkle to include a movie page for displaying a trailer of the selected movie, as taught by Clanton, for the benefit of providing users with an informative page that assists users in selecting desired programs which would interest them.

10. Claims 27 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenney and Garfinkle as applied to claims 5 and 36 above, and further in view of Ross et al. (5,553,139) [Ross].

Regarding claims 27 and 53, Kenney and Garfinkle disclose the interface and method of claims 5 and 36, but fail to disclose an unlock page for providing a key to the user to allow the user to convert a downloaded digital video signal to a user-perceptible form.

In an analogous art, Ross teaches a software licensing method wherein available digital content is only accessible when a user is presented with a key which enables the license associated with the content (the 'enabler key', col. 3, lines 15-28, is provided to a user upon purchase of a product, col. 4, lines 6-16 and col. 7, lines 23-31, who uses the key to utilize the content, col. 7, lines 23-

31), providing the benefit of enabling protected, secure content for user by customers who pay for the right to enjoy the content.

It would have been obvious at the time to a person of ordinary skill in the art to modify the interface and method disclosed by Kenney and Garfinkle to include providing a key to the user to allow the user to convert a downloaded digital video signal to a user-perceptible form, as taught by Ross, which would be provided on a web page, as the interface is a vendor hosted website, for the benefit of enabling protected, secure content for user by customers who pay for the right to enjoy the downloaded video signal.

11. Claims 55 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan in view of Swix et al. (6,718,551) [Swix].

Regarding claims 55 and 56, Kaplan discloses the interface of claim 54, but fails to disclose the content item to be displayed in the streaming video display area of the user interface is selected automatically based on pre-defined user preferences.

In an analogous art, Swix teaches selecting movie trailers for display to users based on pre-defined user preferences (col. 10 line 52 – col. 11 line 2 and col. 11, lines 59-67), displaying trailers which may entice the user to make further or future purchases.

It would have been obvious at the time to a person of ordinary skill in the art to modify the interface disclosed by Kaplan to include the content item to be

displayed in the streaming video display area of the user interface is selected automatically based on pre-defined user preferences, as taught by Swix, for the benefit of more effectively advertising video selections to encourage purchase by users of the interface.

12. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan in view of Kenney.

Regarding claim 61, Kaplan teaches the interface of claim 60, wherein the content selection interface provides virtual representations of products (col. 17, lines 36-46) and also assists users in selecting videos for rental (col. 18, lines 10-46) but fails to specifically disclose the virtual representation is of a standard video box.

In an analogous art, Kenney teaches providing virtual representations of products in an online environment that are displayed as a digital replica of actual physical objects (col. 5, lines 24-43), providing a familiar representation of physical products in an online environment.

It would have been obvious at the time to a person of ordinary skill in the art to modify the interface disclosed by Kaplan, in the embodiment where the products are video programs, to include virtual representations of standard video boxes, as taught by Kenney, for the benefit of a familiar representation of the video products in an online environment.

13. Claim 74 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glassman in view of Kenney.

Regarding claim 74, Glassman discloses the method of claim 73, but fails to disclose the second user network device connects to the server network device via a website on the Internet.

In an analogous art, Kenney teaches accessing server network devices from user network devices via Internet websites (col. 8, lines 51-62), for the benefit of providing easy access to the services of a network server to a user.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Glassman to include connecting to the server network device via a website, as taught by Kenney, for the benefit of providing easy access to the services of a network server to a user in a manner that is conventional over the Internet.

14. Claim 75 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glassman in view of Ross.

Regarding claim 75, Glassman discloses the method of claim 73, but fails to disclose transferring the content from the first user network enabled device to the second user network enabled device comprises copying the content to a computer readable disc, transporting the computer readable disc to the location of the second user network enabled device, and copying the content from the computer readable disc to the second user network enabled device.

In an analogous art, Ross teaches transferring content to user devices via recorded medium (such as CD-ROM distribution of content, col. 3, lines 56-67), for the benefit of mass distribution of content that does not require network bandwidth.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Glassman to include transferring content to user devices via recorded medium, as taught by Ross, for the benefit of mass distribution of content that does not require network bandwidth, effectively removing any size limitations on the content that is delivered to users.

15. Claims 77-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glassman in view of Bayrakeri (6,185,602).

Regarding claim 77, Glassman discloses the method of claim 73, but fails to disclose transferring the content from the first user network enabled device to the second user network enabled device comprises the second user network device accessing content residing on the first user network device through a file swapping user interface provided by the server network device, the file swapping user interface allowing access to and transfer of content, the content residing on a plurality of user network enabled device, the plurality of user networked enabled device being connected to the file swapping user interface.

In an analogous art, Bayrakeri teaches providing a file swapping user interface via a network server (central servers provide the MUI [multi-user

interface] for multicast services and additionally provide the security services of authentication and access control, col. 5, lines 20-35), allowing users to exchange files through said server (col. 5, lines 36-51), promoting E-commerce opportunities for users to share content with other users (col. 2, lines 1-12 and col. 4, lines 55-67).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Glassman to include providing a file swapping user interface via the server network device such that many different users exchange files with each other through said server, as taught by Bayrakeri, for the benefit of promoting E-commerce opportunities for users to share content with other users, making it easier for users to create small content distribution businesses.

Regarding claims 78 and 79, Glassman and Bayrakeri disclose the method of claim 77, wherein the user of the second user network enabled device selection content residing on the first user network enabled device and requests transfer of the selected content, wherein the selected content is transferred from the first user network enabled device to the second user network enabled device (the system is an E-commerce environment, so customers [second user] browse content, select what they want to purchase, and then purchase it, where it is delivered form the vendor [first user] to the customer [second user]).

Conclusion

16. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

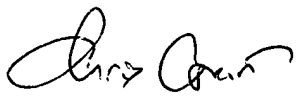
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on M-F 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli
Patent Examiner
Art Unit 2611

DS



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